



U.S. Immigration  
and Customs  
Enforcement

# News Release

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## **IRAQI NATIONAL TIED TO SENIOR AL QAEDA OPERATIVE ORDERED DEPORTED FROM THE UNITED STATES**

SEATTLE – U.S. Immigration and Customs Enforcement (ICE) has scored an important victory in its effort to deport a 47-year-old native and citizen of Iraq with ties to a senior Al Qaeda operative suspected of helping plan the attack on the *USS Cole* in Yemen in 2000 and the 1998 bombings of U.S. Embassies in Kenya and Tanzania.

Based on evidence presented by ICE attorneys during a series of hearings that concluded earlier this month, Immigration Judge Kenneth Josephson yesterday ordered Sam Malkandi, a resident of Kirkland, Washington, removed from the United States. The Judge, who had earlier held that Malkandi was a national security risk, also denied Malkandi's request for relief from removal.

During Malkandi's immigration hearings, ICE attorneys introduced evidence that Malkandi committed fraud against the U.S. government in order to obtain immigration benefits for himself and his family. ICE attorneys also introduced evidence, some of which was referenced in *The 9/11 Commission Report*, that Malkandi attempted to fraudulently obtain a U.S. visa for Tawfiq bin Attash, a one-legged Al Qaeda operative also known as "Khallad." A trusted lieutenant and former bodyguard of Osama bin Laden, bin Attash is suspected of planning the 1998 U.S. Embassy bombings in Africa and the attack on the *USS Cole* in Yemen in 2000.

The evidence linking Malkandi to the Al Qaeda operative surfaced in 2003 after bin Attash was captured in Karachi, Pakistan, and turned over to U.S. authorities. According to a footnote on page 492 of *The 9/11 Commission Report*, bin Attash told U.S. officials in August 2003 that an individual in Bothell, Washington, whose name sounded like "Barzan," had tried to help him obtain a U.S. visa to enter the United States. U.S. officials concluded that "Barzan" was very likely a Bothell man named Sarbaz Mohammad. Sarbaz Mohammad changed his name to Sam Malkandi in 2001.

A subsequent investigation by ICE and FBI agents on the Seattle Joint Terrorism Task Force (JTTF) determined that "Barzan" and Sam Malkandi were the same individual. Among other things, federal agents were able to obtain documents indicating that Malkandi had made arrangements with a clinic in Bellevue, Washington for bin Attash, under an alias, to obtain a new prosthetic foot in 1999. Bin Attash was never able to come to the United States as his visa application was denied.

ICE agents arrested Malkandi in August 2005 on grounds that he had committed fraud against the U.S. government in order to obtain immigration benefits for himself and his family. Specifically, he was accused of falsely claiming to have been incarcerated in Iran for possession of prohibited

political materials, which originally qualified him for refugee status to enter the United States in June 1998. At the time of the arrest, JTTF agents executed a search warrant at Malkandi's home.

"We are gratified that justice has prevailed in this case," said Dorothy Stefan, Chief Counsel for ICE in Seattle. "Our laws prohibit aliens who are living here as our guests to use this country as a base to advocate terrorism or support terrorists. ICE will use every tool at its disposal to restore integrity to the nation's immigration system and protect the community from those who might attempt to do us harm."

Under the law, Malkandi has 30 days to appeal Judge Josephson's decision. In the meantime, Malkandi continues to be held without bond by ICE.

#ICE #

*U.S. Immigration and Customs Enforcement was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of four integrated divisions that form a 21<sup>st</sup> century law enforcement agency with broad responsibilities for a number of key homeland security priorities.*